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10/698,394

11/03/2003

Tessei Shimizu

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32172

7590

06/05/2008

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EXAMINER

BEHNCKE, CHRISTINE M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte TESSEI SHIMIZU

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Application No. 10/698,394

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**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

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This application was electronically received at the Board of Patent Appeals and Interferences on October 27, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Information Disclosure Statement dated October 9, 2007, needs to be considered and acknowledged by the Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's consideration is required.

Accordingly, it is

ORDERED that the instant application be electronically returned to the examiner to:

- (1) consider and acknowledge the Information Disclosure Statement filed October 9, 2007; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Dale M. Shaw  
Chief Appeals Administrator  
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DMS/ewh

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